IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

District :

Criminal Application No. 1558 of 2007

Office Notes, Office Memoranda of Coram, appearances, Court orders or directions and Registrar's orders

Court's or Judge's orders

CORAM: C. L. PANGARKAR J.
Dated: 20th June, 2007.

Heard the learned counsel Shri Sambre for the applicant/accused and Shri Parihar the learned APP for the State-respondent.

This is an application under Section438 of Criminal Procedure Code. The present applicant had entered into an agreement of sale of a car to the complainant for a sum of Rs. 1,65,000/-. The complainant paid Rs.65,000/- and it was agreed that the balance would be paid after the no objection would be obtained from the Finance Company. Since it was not possible to obtain no objection from the

Finance Company, it is alleged that the present applicant surreptitiously take away the vehicle from the possession of the complainant and the complainant lodged a report with the police. Applicant apprehends arrest on account of such report. It is alleged that in the F. I. R. further, that there was sum of Rs.50,000/- in the said car and that is still not recovered.

This Court vide its order dated 11.06.07 has already granted interim protection to the applicant holding that it was a fit case to grant anticipatory bail to the applicant. It appears from the contention raised in the application itself that this is clearly a dispute of civil nature and since the same dispute arose between the parties vehicle was taken away by the accused. It is difficult to assume that any person would keep a sum of Rs.50,000/- in the car and keep it unattended. It is still difficult to accept that the accused/applicant could take away the car. The car

was brought allegedly by the complainant himself along with the driver and the keys were with the driver and the driver was sitting in the room. In the circumstances it is difficult to accept what is stated in the F. I. R. and it is a fit case where anticipatory bail is to be confirmed. It is accordingly confirmed.

JUDGE

svk